



California Regional Water Quality Control Board North Coast Region

William R. Massey, Chairman

Alan C. Lloyd, Ph.D.
Agency Secretary

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



Arnold
Schwarzenegger
Governor

March 29, 2006

RECEIVED BY

APR 03 2006

BOARD OF FORESTRY
AND FIRE PROTECTION

Mr. Stan L. Dixon, Chairman
Board of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 94244-2460

Dear Chairman Dixon:

Subject: Forest Practice Rules 916.9, 936.9, 956.9 – Protection and Restoration in Watersheds with Threatened or Impaired Values (“T&I Rules”)

The current “T&I Rules” (Rules) represent a significant step forward in providing additional protections in watersheds with endangered and threatened anadromous salmonids and, coincidentally, help to achieve compliance with temperature and sediment TMDLs in the North Coast region. Unfortunately, the Rules contain a sunset provision (r)(4)(y) for expiration on December 31, 2006.

North Coast Regional Water Quality Control Board (Water Board) staff is participating in the Board of Forestry and Fire Protection’s (Board) Monitoring Study Group efforts to address issues associated with the Rules. The two primary issues raised are the effectiveness of the rules in bringing about improvements in salmonid habitat and the scientific basis behind the rules. Measuring the Rules effectiveness quantitatively is a laudable goal, however, it would require monitoring designed specifically for that purpose and would take many years to accomplish. Such monitoring could not be accomplished before the Rules sunset. Indirect observations may, however, be useful in gauging the utility of the Rules. Specifically, while the Rules have been in effect, Water Board staff has seen a reduction in recommendations during pre-harvest inspections. The implementation of wider stream buffers, increased canopy requirements, the crossing requirements, and considerations for future recruitment of wood to stream channels are some of the additions that serve to increase protection and function of the riparian system and floodplain and reduce staff recommendations.

There is a large body of science behind the Rules, however, the actual numeric prescriptions in the rules may be questioned by some. The Rules were developed as a combination of careful review of the literature and compromises that are part of the rule making process. Reviewing the Rules with regard to the available scientific literature and knowledge, and in their ability to meet the seven specific objectives stated in the Rules is important. However, such review also will take a considerable amount of time, likely beyond the sunset date for the Rules.

California Environmental Protection Agency

recycled Paper

Mr. Stan L. Dixon

The Rules clearly move the California Department of Forestry and Fire Protection's (CDF) timber harvest approval process closer to that envisioned by Water Board staff for protecting endangered and threatened salmonids. Besides additional beneficial use protection, the Rules serve to at least partially implement TMDL requirements for temperature and sediment impaired waterbodies. If the Rules are not continued, the Water Board will likely be faced with proposing additional regulations of its own to address TMDL implementation on timberlands and restore waterbodies with impaired beneficial uses. We urge the Board to consider the impact of allowing the Rules to sunset and the impact it will have on coordinating our two processes for water quality protection.

We recommend the Board continue with the positive response and intent of your initial adoption, and readopt the Rules, or delete provision (r)(4)(y) of that section so the Rules remain in effect. The reasons for rule development and the subsequent adoption of the Rules are still valid and useful in protecting sensitive beneficial uses of water. Those reasons will not disappear on December 31, 2006.

Thank you for your consideration. Please contact me at (707) 576-2693 if you have any questions or need additional information.

Sincerely,



Robert R. Klamt, Chief
Timber Harvest Division

Cc: Vice Chair Kirk Marckwald
Board Member Gary Ryneerson
Board Member Mark Bosetti
Board Member Ronald Nehring
Board Member Jim Ostrowski
Board Member David Nawi

032906_RRK_T&I rules response to BOF.doc